

KTM:MPM
F. #2024R00774

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

MARK BABABEKOV,

Defendant.

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF AN APPLICATION FOR
AN ARREST WARRANT

24 MJ 568

(18 U.S.C. § 875(c))

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EASTERN DISTRICT OF NEW YORK, SS:

JESSICA EWALD, being duly sworn, deposes and states that she is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

In or about and between May 2024 and September 2024, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MARK BABABEKOV did knowingly and willfully transmit in interstate or foreign commerce one or more communications containing one or more threats to injure the person of another, to wit: communications via cellular telephone threatening bodily injury to Individual-1.

(Title 18, United States Code, Section 875(c))

The source of your deponent's information and the grounds for her belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”). I have been employed by the FBI since May 13, 2018, and have been a Special Agent with the FBI since April 23, 2023. I have been involved in the investigation of numerous cases involving interstate threats and other offenses. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and from reports of other law enforcement officers involved in the investigation.

I. Background

2. The defendant MARK BABABEKOV was a driver with a rideshare company (“Rideshare Company-1”) until September 2022 when his account was deactivated. Rideshare Company-1 deactivated BABABEKOV’s account following a report from an individual whose identity is known to your affiant (“Individual-1”). Individual-1 reported to Rideshare Company-1 that BABABEKOV cancelled a trip because Individual-1 had a dog with him that Individual-1 identified as a service animal. BABABEKOV stated to Rideshare Company-1 that he believes Individual-1’s dog is not a service animal. BABABEKOV has repeatedly asked Rideshare Company-1 to provide him with documentation that the dog was a service animal.

3. Beginning at least as early as May 2024, the defendant MARK BABABEKOV started communicating violent threats, including death threats, against Individual-1. As set forth below, BABABEKOV has conveyed the threats directly to Individual-1 and through Rideshare Company-1 using various interstate facilities including telephone calls. BABABEKOV has indicated he knows where Individual-1 lives, and warnings from the FBI have failed to deter BABABEKOV’s threats. BABABEKOV’s threats continue to grow in frequency and violence.

II. The May 20, 2024 Threat

4. On or about May 20, 2024, the number 917-208-5995 contacted the support line at Rideshare Company-1, on a recorded line. This phone number is linked to the defendant MARK BABABEKOV through BABABEKOV's driver profile at Rideshare Company-1, and during the call, the caller identified himself as MARK BABABEKOV and entered BABABEKOV's date of birth when prompted to do so.

5. During the call, the defendant MARK BABABEKOV threatened to injure and kill Individual-1, stating the following:

- (a) "I have nothing to lose in this life,"²
- (b) "[Individual-1] ruined my life. I am going to ruin his life,"
- (c) "I have no choice but to run him over,"
- (d) "I will run him over, make him permanently disabled," and
- (e) "His life's gonna end."

6. The defendant MARK BABABEKOV also indicated he was prepared to act on his statements by recounting Individual-1's full name, phone number and previous address and stating, "[M]y patience run out. I have to do what I have to do. I will run him over."

7. According to Rideshare Company-1, this phone call was answered by Rideshare Company-1 personnel located in the Republic of the Philippines. The call was then transferred to Rideshare Company-1 personnel located in New Braunfels, Texas. The defendant MARK BABABEKOV resides in Queens, New York, and based on information and belief, was in New York at the time of the call.

² All transcripts of calls and emails contained herein are in draft form and recounted in sum and substance and in part.

III. Other Threats

8. Following this threat, I went to the defendant MARK BABABEKOV's residence in Queens, New York, on or about May 21, 2024 at approximately 2:00 a.m., to interview him and admonish him. During the interview, BABABEKOV stated he would not "go after" Individual-1 and he would stop making threats against Individual-1.

9. However, the defendant MARK BABABEKOV continued to make violent threats against Individual-1 to Rideshare Company-1 support personnel on recorded phone lines. BABABEKOV also sent threatening messages to Rideshare Company-1 from his Rideshare Company-1 driver profile. BABABEKOV's driver profile was associated with BABABEKOV's photograph, date of birth, email address and telephone number. I obtained and reviewed copies of the following recorded calls and messages.

10. On or about June 1, 2024, the defendant MARK BABABEKOV sent a message to Rideshare Company-1 through the in-app customer service chat in the Rideshare Company-1 mobile application, indicating his intent to inflict bodily injury on Individual-1 if Rideshare Company-1 failed to provide BABABEKOV with the requested documents: "You have six days left to provide me the documents ... if you're not gonna provide me any evidence or any documents, your customer motherfucker gonna get hurt I don't care if you're gonna contact the FBI or anybody else you fuck my life I'm going to fuck his life."

11. Shortly after, on or about June 7, 2024, the defendant MARK BABABEKOV sent a message to Rideshare Company-1 through Rideshare Company-1's in-app customer service chat in the Rideshare Company-1 mobile application, stating in part, "I have his last name, first name ... I have his address, I have his phone number if they're not gonna activate

my account within 48 hours ... I'm gonna go to his house park my car wait for his ass to fucking come out and run him fucking over".

12. Then, on or about September 3, 2024, the defendant MARK BABABEKOV sent a message to Rideshare Company-1 through Rideshare Company-1's in-app customer service chat in the Rideshare Company-1 mobile application, stating in part the following:

(a) "Your custom [sic] is going to end up for rest of his life in the wheelchair then I hope I will pray for the God The police gonna arrest me,"

(b) "I have his last name, first name, address and where you [sic] live," and

(c) "I will fuck him up so badly and they will be your fault because you're not providing me your documents."

13. Days later, on or about September 5, 2024, the defendant MARK BABABEKOV sent a message to Rideshare Company-1 through Rideshare Company-1's in-app customer service chat in the Rideshare Company-1 mobile application, stating in part the following:

(a) "You have to open my account if you're not gonna do that I have his last name his first name his address his phone,"

(b) "I'm gonna go to his house. Wait for him to come out and I will beat him up so badly that he's gonna end up in the hospital," and

(c) "And permanently, he will be disabled person because of you."

14. The next day, on or about September 6, 2024, the defendant MARK BABABEKOV called Rideshare Company-1 on a recorded line. BABABEKOV again

expressed his intent to cause bodily injury to Individual-1, stating in part, "I told you; I'm going to go there Sunday to beat him up. Actually, I changed my mind. I'm going to do it tomorrow ... your customer ... [is] going to end up in the emergency room. And for the rest of his life, he's going to be permanently disabled. Okay. He's going to be paralyzed."

15. The next day, on or about September 7, 2024, during a nearly 30-minute recorded call to Rideshare Company-1's support line, the defendant MARK BABABEKOV repeatedly made threats towards Individual-1. BABAEKOV stated in part the following:

(a) "I already have his last name, first name, where he live, where he work, his phone number, to go there, park my car, wait for him to walk on the street with the dog, walk behind him, knock him out with the baseball bat, with the baseball bat. Start beating him to dead. That he's going to be permanently disabled,"

(b) "The customer is going to be going to be paralyzed for the rest of his life,"

(c) "So, the way I'm looking at it, you have two options. Either you're going to send me the document that the customer sent to you, or tonight, he's going to end up in a hospital. I'm not going to wait anymore,"

(d) "I'm going to park my car and sleep. Maybe in the morning he's going to walk, you know, walk in his dog. I don't care. I am still going to beat him up," and

(e) "I'm not going to call the back I'm going to go there straight and I'm going, I'm going to beat him. I'm going to sit and park my car. Wait for him to come out 5 hours, 6 hours, 8 hours, 24 hours. I'm going to wait right in the front of his house because he don't remember how, how I look, but I remember how he looks because I have his picture."

16. During the same call, the defendant MARK BABABEKOV acknowledged that he intended to commit a crime against Individual-1, stating, "Maybe the first-time crime in my life. I'm going to get the probation or maybe one year, or maybe one year in the jail, which I'm okay with that. One year is okay to be in the jail."

17. Less than a week later, on or about September 11, 2024, the defendant MARK BABABEKOV again called Rideshare Company-1 on a recorded line and made a threat to "kill" or "disable" Individual-1. BABABEKOV stated in part the following:

(a) "I'm a homeless. I'm sleeping in the car for the past three months. There's only one way that I can prove that I was innocent. To the person who filed a complaint against me, which is [Individual-1], who lives in the Jersey City, who works in the city as a real estate agent, to go to his house, and just either kill him or make him disabled. Permanently make him disabled, that he cannot even walk, he cannot even talk. That he only can drink or eat through the straw. Because the person who ruined my life, I have no choice to end his life,"

(b) "[T]he way I'm seeing it, it's either option A or option B. Option A, you're going to provide me the documents that the dog is not, that dog is emotional support. Or option B, I go to his house to the [Individual-1] who lives in a Jersey City, who work in the real estate ... wait for him because I did that Saturday and Sunday. But you know, the, he, you know, for some reason he didn't, [I didn't] hear him come out or maybe he wasn't home. Maybe he was on vacation. I don't know When I go back to my car early in the morning, wait for him to come out, go to work, come to him, beat him up so badly, to put him in a hospital for the rest of his life that he's going to eat and drink through though the straw and [Rideshare Company-1]'s going to pay for his bills," and

(c) “So what’s going to be it’s option A or option B? Ma’am, are you gonna provide me the documents the customer sent you or you want me to go and beat him up so badly?”

18. The next day, on or about September 12, 2024, the defendant MARK BABABEKOV again called Rideshare Company-1 support on a recorded line. BABABEKOV stated in part the following:

(a) “I send you your own policy regarding emotional support animals. So one way or the other, it’s either I’m going to get it from you or I’m going to get it from the customer. But trust me, when I’m going to go to see your customer, it’s not going to be free. Trust me. He’s going to be in a wheelchair for the rest of his life. If he claims to be disabled, service dog, I’m going to make him disabled. I know where he lives. I know where he works. I know everything, but I need to know. I tried to do the right thing, but looks like the law, it doesn’t apply to the [Rideshare Company-1]. So, I have to make my own law,”

(b) “I’m going to end his life. And this will be over cold,”

(c) “I know where he works, I know where he lives, I know his last name, I know his first name, I know his phone number. There’s nothing you can hide,” and

(d) “This is the last time I’m calling [Rideshare Company-1]

Now, I’m gonna get it from the customer. Let me give you this motherfucker’s address. So you will know that I’m, that I’m not bluffing, that I’m not bluffing, I know his address. I know where he fucking works and I know where he lives. Lemme tell you. [Address in New Jersey] That is the address where he lives. Working address, I’m not going to give you, because I have it too. That is a proof. So now what I’m going to do, I’m going to go – I was there yesterday sitting and waiting for him to come out, but he didn’t come out – so every day I’m going to go to

his house. I'm going to wait for this motherfucker come out and I'm going to break his leg and he's going to be disabled for rest of his life because you guys made the mistake and you're not admitting you made the mistake. So, he's going to pay for it."

19. That same day, on or about September 12, 2024, the defendant MARK BABABEKOV called Individual-1 directly and left a threatening voicemail, stating in part the following:

20. On or about the morning of September 13, 2024, I spoke with Individual-1. During that interview, Individual-1 reported receiving a threatening voicemail from the defendant MARK BABABEKOV the previous day, on or about September 12, 2024.

BABABEKOV stated in part the following:

- (a) "I know where you live, I know where you work,"
- (b) "I'm gonna ruin your life,"
- (c) "I'm gonna put you for rest of your life in a wheelchair,"
- (d) "[I]f the law didn't help me to prove that I was innocent, I'm gonna do it my way to prove that I was innocent,"
- (e) "[I]f you decide to play the games, whatever's gonna happen upcoming days it's on you, not on me."

21. In addition to making violent threats to Individual-1 on or about September 12, 2024, the defendant MARK BABABEKOV exhibited harassing behavior towards Individual-1 since at least August 2024. In a voicemail on or about August 16, 2024, BABABEKOV stated in part, "I'm gonna come after you. You gonna see what happen to you." In a voicemail on or about August 17, 2024, BABABEKOV stated in part, "If you're not going to text me your information, I have no choice to file the lawsuit against you and put you in jail

for what you did to my life.” In a voicemail on or about August 20, 2024, BABABEKOV stated in part, “I see you blocked me”, “get back to me please”, “my patience run out, I cannot wait any longer”, “if you’re not gonna provide me evidence for the false statements I’m gonna file the lawsuit against you.” On September 13, 2024, BABABEKOV called 13 times before leaving Individual-1 a voicemail.

22. Then, on or about September 19, 2024, the defendant MARK BABABEKOV called Individual-1 and left another threatening voicemail, stating in part, “Yo real estate boy. If you have balls between your legs, give me a call, or whatever is going to happen next is on you I am going to ruin your life, my way. No law will be involved. Watch carefully what will happen.”

23. Shortly after this call, on or about September 23, 2024, the defendant MARK BABABEKOV called Rideshare Company-1 support on a recorded line. During the call, BABABEKOV threatened to kill Individual-1, stating in part, “That motherfucker. I know where he lives, I know where he works. I’m going to fucking kill him.”

24. The next day, on or about September 24, 2024, the defendant MARK BABABEKOV called Rideshare Company-1 six times. During those calls, BABABEKOV stated in part the following:

(a) “I have nothing to lose. I know where the fucking customer lives. I know where he works I have no choice but to fucking kill him,”

(b) “I’m ready to go to jail. Now, the question is, are you ready? Because of your mistake, the customer life is going to end,”

(c) “Motherfucker, you hear me bitch? ... You playing games with me ... And now ... I’m going ... to kill that person,”

- (d) "I'm gonna kill [Individual-1],"
- (e) "I'm going to kill this motherfucker," and
- (f) "By the end of the week, he's gonna die."

25. Based on the foregoing facts, I submit that there is probable cause to believe that the defendant MARK BABABEKOV committed a violation of 18 U.S.C. § 875(c).

WHEREFORE, your deponent respectfully requests that an arrest warrant issue so that the defendant MARK BABABEKOV may be dealt with according to law.

It is further requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrant. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and arrest warrants via the Internet. Premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving the target notice of the existence and scope of the investigation, an opportunity to flee from prosecution, destroy or tamper with evidence, and/or change patterns of behavior.

Jessica Ewald

JESSICA EWALD
Special Agent, Federal Bureau of Investigation

Sworn to before me this **by telephone**
3rd day of October, 2024

Marcia M. Henry

THE HONORABLE MARCIA M. HENRY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK